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DISTRICT OF GUAM  
TERRITORY OF GUAM

UNITED STATES OF AMERICA,	)	Civil No. 1:06-CV-00011
	)	
Plaintiff,	)	IN ADMIRALTY
	)	
v.	)	
	)	
MARWAN SHIPPING & TRADING CO.,	)	UNOPPOSED REQUEST FOR
FIVE SEAS SHIPPING CO., LLC, and S.J.	)	CONTINUANCE OF RULE 16
GARGRAVE SYNDICATE 2724, <i>in personam</i> ,	)	<u>SCHEDULING CONFERENCE</u>
	)	
Defendants.	)	

Plaintiff, the United States of America, respectfully requests a continuance of the Rule 16 Scheduling Conference presently set for July 18, 2006. To date, none of the defendants have answered, though all are expected to do so before the end of July.

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**FILED**  
DISTRICT COURT OF GUAM  
JUL 14 2006 *md*  
MARY L.M. MORAN  
CLERK OF COURT

ORIGINAL

## **BRIEF FACTUAL BACKGROUND**

### **A. The Defendant Parties**

All defendants are foreign entities. Defendants MARWAN SHIPPING & TRADING CO. (owner of the M/V AJMAN 2), and FIVE SEAS SHIPPING CO., LLC (operator of the vessel), are both headquartered in the United Arab Emirates, whereas defendant GARGRAVE SYNDICATE 2724 has a place of business in London. All three defendants have retained various counsel, including local counsel, and those counsel have been in contact with the United States' undersigned attorney. Defendants MARWAN and FIVE SEAS have filed appearances with the Court through their local counsel and the Government expects GARGRAVE to do the same very shortly. As stated, all defendants are expected to answer prior to the end of July.

Once the defendants have appeared and filed their responsive pleadings, all counsel will then be in a position to meet and confer with respect to a discovery plan and such other matters as are required by the Local Rules and the Fed.R.Civ.P.

### **B. Intervening Party**

Counsel for the United States and the various defendants have been contacted by attorneys representing Inchcape Shipping Services Guam, LLC. Inchcape has indicated that it soon will move for intervention pursuant to Rule 24 of the Fed.R.Civ.P. At this point, and at least until the parties receive copies of the moving papers and the proposed complaint-in-intervention, it is not certain whether the motion will be opposed or unopposed. In any event, the United States respectfully suggests that it would be prudent to postpone the scheduling conference until *after* the motion for intervention is resolved, at which point all parties to the suit will be before the Court.

Thus, if the motion to intervene is granted, the United States, the three defendants, and the intervenor will be able to confer and amicably discharge their scheduling duties under LR 16 and Rule 16 of the Fed.R.Civ.P. Alternatively, if intervention is not permitted, the present parties may then meet and confer and prepare a discovery plan.

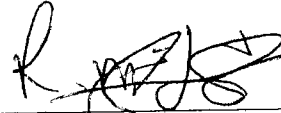
## **CONCLUSION**

For the foregoing reasons, the United States requests that the Rule 16 Conference be postponed until September 12, 2006. The United States has circulated this Request for Continuance

1 to counsel for the defendants and each has authorized the Government to state that there are no  
2 objections to the Request. A proposed Order is submitted herewith.

3 Dated: July 11, 2006.

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MIKEL W. SCHWAB, Assistant U.S. Attorney

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13 Attorneys for Plaintiff United States of America  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 11, 2006, I served by first class mail copies of the foregoing Request for Continuance and proposed Order upon the following:

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